

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,
Plaintiff,

v.

CHRISTOPHER D. BRUMETT,
Defendant.

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File No. 1:09-cr-00037-jgm-1

ORDER

The Magistrate Judge's Report and Recommendation was filed December 22, 2010. (Doc. 54.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The Court finds Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 52) to be second or successive, and the motion is hereby transferred to the U.S. Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of January, 2011.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
Senior United States District Judge